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02 OCT 2006

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In re Application of : DECISION ON  
David JEAL et al :  
PCT No.: PCT/GB03/004377 :  
Application No: 10/531,431 :  
Int. Filing Date: 09 October 2003 : PETITION UNDER  
Priority Date: 17 October 2002 :  
Attorney's Docket No.: P08629US01/BAS :  
For: FACILITATING AND AUTHENTICATING :  
TRANSACTIONS : 37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 23 August 2006.

#### BACKGROUND

In a decision from this Office on 23 June 2006, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (2) and (4) had not been satisfied.

On 23 August 2006, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 23 June 2006 with respect to accepting the above application without the signature of nonsigning inventor Mr. Mudie. Filed with the renewed petition, *inter alia*, is a postcard showing that the executed declaration was filed on 13 March 2006, and a declaration from Mr. Schulman.

#### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 23 August 2006 has satisfied items 2 and 4 under 37 CFR 1.47(a). Thus satisfying all the items under 37 CFR 1.47(a).

Mr. Schulman's averments do sufficiently demonstrate that a *bona fide* attempt was made to obtain the signature of Mr. Mudie and that he refused to sign the required papers. The declaration and application papers were mailed to him on July 28, 2006, but he has not returned the required papers. Accordingly, the conduct of Mr. Mudie is interpreted based on the evidence of the papers submitted as a refusal to sign the required papers. Consequently, the current record does sufficiently establish Mr. Mudie's refusal to join in the application.

In addition, petitioner has provided an executed declaration and the postcard showing that it was originally submitted on March 13, 2006.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Petitioner's postcard is accepted as *prima facie* that the executed declaration was deposited with the U.S. Patent and Trademark Office on 13 March 2006.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

### CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 13 March 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

  
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In re Application of  
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TRANSACTIONS

Dear Mr. Mudie:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

  
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